

**UNITED STATES DISTRICT COURT,
NORTHERN DISTRICT OF CALIFORNIA**

NATIONAL ABORTION FEDERATION
(NAF),

Plaintiff,

vs.

THE CENTER FOR MEDICAL
PROGRESS; BIOMAX PROCUREMENT
SERVICES, LLC; DAVID DALEIDEN (aka
"ROBERT SARKIS"); and TROY
NEWMAN,

Defendants.

) Case No. 3:15-cv-3522 (WHO)

)

) Judge William H. Orrick, III

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) ORDER CONCERNING BRIEFING
) AND HEARING SCHEDULE AND
) GRANTING DEFENDANTS' MOTION
) FOR LEAVE TO FILE A MOTION TO
) STRIKE AND /OR DISMISS IN
) EXCESS OF THE PAGE LIMITS
) INSTANTER

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ORDER

Defendants The Center for Medical Progress, Biomax Procurement Services, LLC, David Daleiden, and Troy Newman (“defendants”) have filed an anti-SLAPP motion to strike and to dismiss with a sixty page brief in support, which is significantly longer than allowed by the Civil Local Rules. *See* Dkt. No. 66. Today defendants also filed a separate 25-page motion to dismiss and a 25-page motion to strike, *see* Dkt. Nos. 68-69, possibly as a precaution in case I denied the motion for excess pages. I have not had an opportunity to review any of those motions in detail.

In light of the various legal issues that will be argued by the parties with respect to these motions and the motion for a preliminary injunction, I am inclined to grant defendants’ motion to file their oversize brief, assuming that the motions filed today are duplicative of the earlier motions. If defendants withdraw the separate motions to dismiss (Dkt. Nos. 68-69) by August 19, 2015 at 12:00 p.m., their motion to file an oversized brief is granted. Plaintiff may then file a brief of up to 60 pages in opposition on or before September 8, 2015. Defendants may file a reply of not more than 20 pages by September 18, 2015.

If defendants seek to proceed on all of the motions filed at Dkt. Nos. 66, 68 and 69, then I will enforce the Civil Local Rules with respect to Dkt. No. 66 and deny the motion to file an oversize brief.

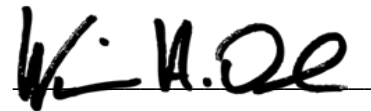
To allow a comprehensive review of the issues raised and in the interests of efficiency and the administration of justice, hearing on the motion shall occur on October 9, 2015 in conjunction with the hearing on plaintiff’s motion for a preliminary injunction. The discovery previously ordered by the Court in connection with the preliminary injunction motion is unaffected by the filing of defendants’ motions.

Defendants have also filed two motions to clarify the Temporary Restraining Order. In the second, they requested a telephonic hearing. *See* Dkt. No. 61. They have yet to submit a motion for an order shortening time. The Court will address any issues relating to the scheduling of all

1 motions at the discovery hearing on Friday, if one is requested.

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3 IT IS SO ORDERED.

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5 Dated: August 18, 2015

A handwritten signature in black ink, appearing to read "W. H. Orrick", written over a horizontal line.

6 William H. Orrick